

“(3) requests and is granted—

“(A) leave under the authority of this section; or

“(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 106-259, title VIII, §8023, Aug. 9, 2000, 114 Stat. 679.

Pub. L. 106-79, title VIII, §8025, Oct. 25, 1999, 113 Stat. 1236.

Pub. L. 105-262, title VIII, §8025, Oct. 17, 1998, 112 Stat. 2302.

Pub. L. 105-56, title VIII, §8026, Oct. 8, 1997, 111 Stat. 1226.

Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8028], Sept. 30, 1996, 110 Stat. 3009-71, 3009-94.

Pub. L. 104-61, title VIII, §8036, Dec. 1, 1995, 109 Stat. 659.

Pub. L. 103-335, title VIII, §8042, Sept. 30, 1994, 108 Stat. 2627.

Pub. L. 103-139, title VIII, §8047, Nov. 11, 1993, 107 Stat. 1450.

Pub. L. 102-396, title IX, §9064, Oct. 6, 1992, 106 Stat. 1916.

Pub. L. 102-172, title VIII, §8068, Nov. 26, 1991, 105 Stat. 1187.

Pub. L. 101-511, title VIII, §8086, Nov. 5, 1990, 104 Stat. 1895.

DEFINITION OF OFFICERS AND EMPLOYEES

Section 4 of act July 1, 1947, ch. 192, 61 Stat. 239, as amended by act June 22, 1956, ch. 428, 70 Stat. 331, provided that: “The words ‘officers and employees of the United States or of the District of Columbia’ as used in the third paragraph, subheading ‘Ordinance Stores and Equipment for Reserve Officers Training Corps’, of the Act of May 12, 1917 (40 Stat. 72; 10 U.S.C. Annotated 371) [covered by this section], as now or hereafter amended, as used in that part of section 80 of the Act of June 3, 1916 (39 Stat. 203; 32 U.S.C. 75) [covered by this section], as now or hereafter amended, which precedes the proviso, and as used in the first proviso of section 9 of the Naval Reserve Act of 1938 (52 Stat. 1177; 34 U.S.C. 853g) [covered by this section], as now or hereafter amended, shall be construed to mean all officers and employees of the United States or of the District of Columbia, permanent or temporary indefinite, without regard to classifications or terminology peculiar to the Federal Civil Service System. The words ‘officers and employees of the United States or of the District of Columbia’, as used in such provisions of law, as now or hereafter amended, also shall be construed to mean substitute employees in the postal field service; such substitute employees shall be entitled to military leave of absence on the basis of one hour of such leave for each period or periods aggregating twenty-six hours of work performed in the calendar year immediately preceding the year in which they are ordered to duty by proper authority: *Provided*, That the number of hours worked during the preceding calendar year shall not be less than one thousand forty hours before such substitute employee shall be entitled to military leave of absence, pay for such leave not to exceed eighty hours in each calendar year.”

§ 6324. Absence of certain police and firemen

(a) Sick leave may not be charged to the account of a member of the Metropolitan Police force or the Fire Department of the District of Columbia, the United States Park Police force,

or the Executive Protective Service force for an absence due to injury or illness resulting from the performance of duty.

(b) The determination of whether an injury or illness resulted from the performance of duty shall be made under regulations prescribed by—

(1) the District of Columbia Council for members of the Metropolitan Police force and the Fire Department of the District of Columbia;

(2) the Secretary of the Interior for the United States Park Police force; and

(3) The Secretary of the Treasury for the Executive Protective Service force.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 522; Pub. L. 90-623, §1(18), Oct. 22, 1968, 82 Stat. 1313; Pub. L. 94-183, §2(28), (29), Dec. 31, 1975, 89 Stat. 1058.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	5 U.S.C. 2071.	Aug. 21, 1964, Pub. L. 88-471, §5, 78 Stat. 583.

The word “officer” is omitted as covered by “member”.

In subsection (b), the words “injury or illness” are substituted for “injury or disease” to conform to subsection (a).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1975—Subsecs. (a), (b)(3). Pub. L. 94-183 substituted “Executive Protective Service” for “White House Police”.

1968—Subsec. (b)(1). Pub. L. 90-623 substituted “District of Columbia Council” for “Commissioners of the District of Columbia”.

CHANGE OF NAME

Reference to Executive Protective Service held to refer to United States Secret Service Uniformed Division pursuant to Pub. L. 95-179, set out as a note under section 3056a of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198.

§ 6325. Absence resulting from hostile action abroad

Leave may not be charged to the account of an employee for absence, not to exceed one year, due to an injury—

(1) incurred while serving abroad and resulting from war, insurgency, mob violence, or similar hostile action; and

(2) not due to vicious habits, intemperance, or willful misconduct on the part of the employee.

The preceding provisions of this section shall apply in the case of an alien employee referred to in section 6301(2)(viii) of this title with respect to any leave granted to such alien employee under section 6310 of this title or section 408 of the Foreign Service Act of 1980.

(Added Pub. L. 90-221, §3(a), Dec. 23, 1967, 81 Stat. 671; amended Pub. L. 96-54, §2(a)(41), Aug. 14, 1979, 93 Stat. 383; Pub. L. 99-399, title VIII, §804, Aug. 27, 1986, 100 Stat. 883.)

REFERENCES IN TEXT

Section 408 of the Foreign Service Act of 1980, referred to in text, is classified to section 3968 of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

1986—Pub. L. 99-399 inserted sentence at end relating to alien employees.

1979—Pub. L. 96-54 substituted provisions relating to leave charged to an account of an employee for absence, for provisions relating to leave charged to an account of any officer or employee for absence, and designated qualifying provisions as cls. (1) and (2).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

EFFECTIVE DATE

Section 3(c) of Pub. L. 90-221 provided that: “The amendment made by subsection (a) of this section [enacting this section] shall take effect as of the first day of the first pay period which began on or after January 1, 1965.”

§ 6326. Absence in connection with funerals of immediate relatives in the Armed Forces

(a) An employee of an executive agency or an individual employed by the government of the District of Columbia is entitled to not more than three days of leave without loss of, or reduction in, pay, leave to which he is otherwise entitled, credit for time or service, or performance or efficiency rating, to make arrangements for, or attend the funeral of, or memorial service for, an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone (as determined by the President in accordance with section 112 of the Internal Revenue Code).

(b) The Office of Personnel Management is authorized to issue regulations for the administration of this section.

(c) This section shall not be considered as affecting the authority of an Executive agency, except to the extent and under the conditions covered under this section, to grant administrative leave excusing an employee from work when it is in the public interest.

(Added Pub. L. 90-588, §1(a), Oct. 17, 1968, 82 Stat. 1151; amended Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224.)

REFERENCES IN TEXT

Section 112 of the Internal Revenue Code, referred to in subsec. (a), is classified to section 112 of Title 26, Internal Revenue Code.

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-454 substituted “Office of Personnel Management” for “Civil Service Commission”.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

§ 6327. Absence in connection with serving as a bone-marrow or organ donor

(a) An employee in or under an Executive agency is entitled to leave without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating, for the time necessary to permit such employee to serve as a bone-marrow or organ donor.

(b) An employee may, in any calendar year, use—

(1) not to exceed 7 days of leave under this section to serve as a bone-marrow donor; and

(2) not to exceed 30 days of leave under this section to serve as an organ donor.

(c) The Office of Personnel Management may prescribe regulations for the administration of this section.

(Added Pub. L. 103-329, title VI, §629(a)(1), Sept. 30, 1994, 108 Stat. 2423; amended Pub. L. 106-56, §1(b), Sept. 24, 1999, 113 Stat. 407.)

CODIFICATION

Another section 6327 was renumbered section 6328 of this title.

AMENDMENTS

1999—Subsec. (b). Pub. L. 106-56 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Not to exceed 7 days of leave may be used under this section by an employee in a calendar year.”

§ 6328. Absence in connection with funerals of fellow Federal law enforcement officers

A Federal law enforcement officer or a Federal firefighter may be excused from duty without loss of, or reduction in, pay or leave to which such officer is otherwise entitled, or credit for time or service, or performance or efficiency rating, to attend the funeral of a fellow Federal law enforcement officer or Federal firefighter, who was killed in the line of duty. When so excused from duty, attendance at such service shall for the purposes of section 1345(a) of title 31, be considered to be an official duty of the officer or firefighter.

(Added Pub. L. 103-329, title VI, §642, Sept. 30, 1994, 108 Stat. 2432, §6327; renumbered §6328, Pub. L. 106-56, §1(c)(1), Sept. 24, 1999, 113 Stat. 407.)

CODIFICATION

Section 642 of Pub. L. 103-329, which directed that this section be added “following the word ‘Forces’ in section 6326” was executed by adding the section after section 6327, as added by section 629(a)(1) of Pub. L. 103-329, to reflect the probable intent of Congress.